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IN THE UNITED STATES RECEIVING OFFICE (RO/US)
Designated/Elected Office (DO/EO/US)

U.S. National Stage of
International Application No.: PCT/US2003/041698
International Filing Date: 31 December 2003
Earliest Priority Date: 06 January 2003
Applicants: Scott Eugene Conner, James Allen Knobelsdorf, Nathan Bryan
Mantlo, Daniel Ray Mayhugh, Xiaodong Wang, Guoxin Zhu, Jeffrey
Michael Schkeryantz and Pierre-Yves Michellys
Title: INDOLE DERIVATIVES AS PPAR MODULATORS
Attorney's Docket No.: 2947.1008-004

Date: <u>6 July 2005</u> EXPRESS MAIL LABEL NO. <u>EV214886705US</u>

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
☐ a Statement under 37 CFR 1.97(e), as checked below, or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
☐ a Statement under 37 CFR 1.97(e), as checked below, and
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application
filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☒ Copies of the cited references (B1-B3 and C1) are enclosed.
 - ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - ☒ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

10/541555
JC14 Rec' CT/PTO 06 JUL 2005

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner_____
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.


Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



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Concord, MA 01742-9133

Dated: 
July 6, 2005

PTO-1449 REPRODUCED INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION July 6, 2005 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 2947.1008-004		U.S. NATIONAL STAGE OF INTERNATIONAL APPLICATION NO. PCT/US2003/041698 10/541555	
	FIRST NAMED INVENTOR Scott Eugene Conner		INT'L FILING DATE 31 December 2003	
	EXAMINER Not assigned	CONFIRMATION NO. Not assigned	GROUP Not assigned	

U.S. PATENT DOCUMENTS				
EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	A1	5,767,133	06-16-1998	Dow, <i>et al.</i>
	A2			
	A3			
	A4			
	A5			
	A6			
	A7			
	A8			
	A9			
	A10			
	A11			
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	A23			
	A24			
	A25			

EXAMINER	DATE CONSIDERED
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FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO
	B1	WO 02/30895 A1	04-18-2002	Bayer Corporation	
	B2	WO 01/30343 A1	05-03-2001	Merck & Co., Inc.	
	B9	WO 03/074051 A1	09-12-2003	Warner-Lambert Company, LLC	
	B9				
	B6				
	B6				
	B7				
	B2				
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	B19				
	B11				
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	FIRST NAMED INVENTOR Scott Eugene Conner		INT'L FILING DATE 31 December 2003	
	EXAMINER Not assigned		CONFIRMATION NO. Not assigned	GROUP Not assigned

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	C1	Rami, H.K., <i>et al.</i> , "Synthetic Ligands for PPAR γ - Review of Patent Literature 1994-1999," <i>Expert Opinion on Therapeutic Patents</i> , Ashley Publications, GB, vol. 10, no. 5, 2000, pp. 623-634.
	C2	
	C3	
	C4	
	C5	
	C6	
	C7	
	C8	
	C9	
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	C11	
	C12	
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EXAMINER	DATE CONSIDERED
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